H

United States Patent and Trademark Office

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,973	05/21/1999	SHASHANK MERCHANT	50100-783	7187

20277	7590	01/28/2004

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
LY, ANH VU H

ART UNIT	PAPER NUMBER
2667	18

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/315,973	MERCHANT ET AL.
	Examiner	Art Unit	
	Anh-Vu H Ly	2667	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: *7-13 and 19*.

    Claim(s) rejected: *1-6 and 14-18*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

● ●

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues on page 6 that Gridley does not disclose or suggest a plurality of queueing devices corresponding to the plurality of ports for queuing data blocks representing the data packets received by the corresponding ports and logic circuitry responsive to the plurality of queuing devices for processing the data blocks in accordance with a prescribed algorithm to determine destination information, as recited in independent claims 1 and 14. Examiner respectfully disagrees, Gridley discloses in Fig. 2 that the packet RAM 135 serves as a packet buffer which stores the packets received in through each of the ports P1-P8 (col. 3, lines 51-56) and packets received in through the ports P1-P8 of a LAN card 100 are accumulated in the packet RAM 135 under control of the packet processor 130 (col. 5, lines 20-23). Therefore, 'a plurality of queuing devices corresponding to the plurality of ports for queuing data blocks" is inherent to Gridley. Since the packet RAM 135 is a shared packet memory therefore it does not explicitly disclose different portions of the packet RAM for different ports P1-P8, but when the data blocks received at the ports simultaneously, these data blocks are accumulated in the packet RAM, and smaller portions of the packet RAM are dynamically allocated to store the received data packets. Herein, dynamically allocated portions of packet RAM are considered as plurality of queuing devices by the examiner. Further, the claims 1 and 14 merely stated that a pluraltiy of queueing devices corresponding to the plurality of ports. The claims 1 and 14 do not recite that those queuing devices are fixed, therefore, dynamically allocated portions of the packet RAM storing the received packets are considered as plurality of queuing devices by the examiner. Gridley discloses (col. 3, lines 51-56) that the packet processor 130 obtains forwarding decisions, such as discard, translate, multicast, or forward to a destination LAN card and port, from the system card 200. Herein, the packet processor 130 is corresponded to the logic circuitry as recited in independent claims 1 and 14. Examiner found that similar arguments had been already presented in the amendment filed August 13, 2003. Examiner had already responded to all the arguments presented by the applicant in the Final Rejection dated October 31, 2003. Therefore, applicant is suggested to review the Office Action (paper #16) dated October 31, 2003 for further elaborations and/or explanations.

CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600